

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RICHARD GRAY,

Petitioner,

-v-

U.S. HOMELAND SECURITY, BUREAU OF
IMMIGRATION AND CUSTOMS ENFORCEMENT,
201 VARICK STREET, 11TH FLOOR
VARICK FEDERAL DETENTION CENTER,
NEW YORK, NY 10014,

Respondent.
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: 09 Civ. 0748 (JSR)
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: ORDER
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DCC #: DATE FILED: 1-25-10
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JED S. RAKOFF, U.S.D.J.

On May 18, 2009, the Honorable Douglas F. Eaton, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned matter recommending the dismissal of petitioner's petition filed pursuant to 28 U.S.C. § 2241, on the grounds that petitioner knowingly and voluntarily withdrew his petition on April 21, 2009, the petition is moot because petitioner is no longer in custody, and petitioner will not be deported unless the Jamaican consulate can locate a facility to provide Mr. Gray with proper medical treatment.

Petitioner has failed to file any objection to the Report and Recommendation, and, for that reason alone, has waived any right to review by this Court. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). Accordingly, the Court hereby adopts the Report and Recommendation, and, for the reasons therein, dismisses the petition. Clerk to enter judgment.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
January 22, 2010